



General Assembly

February Session, 2012

Raised Bill No. 5090

LCO No. 881

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Referred to Committee on General Law

Introduced by:
(GL)

***AN ACT CONCERNING THE HOME IMPROVEMENT GUARANTY
FUND AND CONDOMINIUM ASSOCIATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-419 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this chapter, unless the context otherwise requires:

4 (1) "Certificate" means a certificate of registration issued under
5 section 20-422.

6 (2) "Commissioner" means the Commissioner of Consumer
7 Protection or any person designated by the commissioner to
8 administer and enforce this chapter.

9 (3) "Contractor" means any person who owns and operates a home
10 improvement business or who undertakes, offers to undertake or
11 agrees to perform any home improvement. "Contractor" does not
12 include a person for whom the total cash price of all of his home
13 improvement contracts with all of his customers does not exceed one
14 thousand dollars during any period of twelve consecutive months.

15 (4) "Home improvement" includes, but is not limited to, the repair,
16 replacement, remodeling, alteration, conversion, modernization,
17 improvement, rehabilitation or sandblasting of, or addition to any land
18 or building or that portion thereof which is used or designed to be
19 used as a private residence, dwelling place or residential rental
20 property, or the construction, replacement, installation or
21 improvement of driveways, swimming pools, porches, garages, roofs,
22 siding, insulation, sunrooms, flooring, patios, landscaping, fences,
23 doors and windows and waterproofing in connection with such land
24 or building or that portion thereof which is used or designed to be
25 used as a private residence, dwelling place or residential rental
26 property or the removal or replacement of a residential underground
27 heating oil storage tank system, in which the total cash price for all
28 work agreed upon between the contractor and owner exceeds two
29 hundred dollars. "Home improvement" does not include: (A) The
30 construction of a new home; (B) the sale of goods by a seller who
31 neither arranges to perform nor performs, directly or indirectly, any
32 work or labor in connection with the installation or application of the
33 goods or materials; (C) the sale of goods or services furnished for
34 commercial or business use or for resale, provided commercial or
35 business use does not include use as residential rental property; (D) the
36 sale of appliances, such as stoves, refrigerators, freezers, room air
37 conditioners and others which are designed for and are easily
38 removable from the premises without material alteration thereof; and
39 (E) any work performed without compensation by the owner on his
40 own private residence or residential rental property.

41 (5) "Home improvement contract" means an agreement between a
42 contractor and an owner for the performance of a home improvement.

43 (6) "Owner" means a person who owns or resides in a private
44 residence and includes any agent thereof, including, but not limited to,
45 a condominium association. An owner of a private residence shall not
46 be required to reside in such residence to be deemed an owner under
47 this subdivision.

48 (7) "Person" means an individual, partnership, limited liability
49 company or corporation.

50 (8) "Private residence" means a single family dwelling, a multifamily
51 dwelling consisting of not more than six units, or a unit, common
52 element or limited common element in a condominium, as defined in
53 section 47-68a, or in a common interest community, as defined in
54 section 47-202, or any number of condominium units for which a
55 condominium association acts as an agent for such unit owners.

56 (9) "Salesman" means any individual who (A) negotiates or offers to
57 negotiate a home improvement contract with an owner or (B) solicits
58 or otherwise endeavors to procure by any means whatsoever, directly
59 or indirectly, a home improvement contract from an owner on behalf
60 of a contractor.

61 (10) "Residential rental property" means a single family dwelling, a
62 multifamily dwelling consisting of not more than six units, or a unit,
63 common element or limited common element in a condominium, as
64 defined in section 47-68a, or in a common interest community, as
65 defined in section 47-202, which is not owner-occupied.

66 (11) "Residential underground heating oil storage tank system"
67 means an underground storage tank system used with or without
68 ancillary components in connection with real property composed of
69 four or less residential units.

70 (12) "Underground storage tank system" means an underground
71 tank or combination of tanks, with any underground pipes or ancillary
72 equipment or containment systems connected to such tank or tanks,
73 used to contain an accumulation of petroleum, which volume is ten
74 per cent or more beneath the surface of the ground.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	20-419

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Statement of Purpose:

To allow condominium associations acting on behalf of one or more condominium unit owners to apply to the Home Improvement Guaranty Fund.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]